

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>STEVEN INGRAM,</b>	)	
	)	2:16cv1191
Plaintiff,	)	Electronic Filing
	)	
v.	)	Judge David Stewart Cercone
	)	
<b>SUPERINTENDENT LANE and C/O</b>	)	
<b>MILLER,</b>	)	
	)	
Defendants.		

**MEMORANDUM ORDER**

This prisoner civil rights case was commenced on August 9, 2016, and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges. Upon Plaintiff's compliance with the statutory requirements, his motion to proceed in forma pauperis was granted on October 13, 2016. (ECF No. 6).

Following the close of discovery, the parties filed cross motions for summary judgment. (ECF Nos. 97 and 104). On May 22, 2018, Magistrate Judge Eddy filed a Report and Recommendation (ECF No. 129) recommending that the motions be denied as genuine issues of material fact exist which preclude the granting of summary judgment. The parties were served with the Report and Recommendation. Plaintiff's request for an extension of time in which to file objections was granted, and the parties were given an extension until June 27, 2018, to file any written objections.<sup>1</sup>

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<sup>1</sup> At the time Plaintiff commenced this lawsuit he was an inmate in the custody of the Pennsylvania Department of Corrections. After the filing of the Report and Recommendation, Plaintiff notified the Court that he was expected to be released from DOC custody on May 31, 2018, and provided a change of address. (ECF No. 133). On May 31, 2018, Plaintiff filed a Motion for Clarification and Motion for Extension of time in which to respond to the Report and Recommendation. (ECF No. 131).

To date, neither Plaintiff nor Defendants have filed any objections to the Report and Recommendation nor has any party sought a further extension of time in which to do so.

The Court has reviewed the matter and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Accordingly, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 9<sup>th</sup> day of July, 2018;

Because genuine issues of material fact exist, **IT IS ORDERED** that the parties' cross-motions for summary judgment (ECF Nos. 97 and 104) are **DENIED**;

**IT IS FURTHER ORDERED** that the Report and Recommendation filed on May 22, 2018 (ECF No. 129) is **ADOPTED** as the opinion of the Court.



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David Stewart Cercone  
Senior United States District Judge

cc: Steven Ingram  
30 South Blainsport Rd.  
Reinholds, PA 17569  
(Via First Class Mail)

Sandra A. Kozlowski, Esquire  
(Via CM/ECF Electronic Mail)